

March 9, 1881." Also strike out Hood and Somervell counties.

Adopted.

Senator Fleming moved to amend by striking out "Eastland county."

Adopted.

Senator Buchanan moved to amend by adding "Upshur county" to the list of exemptions.

Adopted, and bill passed to third reading.

On motion of Senator Pfeuffer, the vote adopting the House concurrent resolution appointing a committee to visit the State schools, and which was adopted this morning, was reconsidered.

Senator Pfeuffer offered the following amendment: Add at the end of the resolution "that the expenses of said committee be paid out of the contingent fund of the Eighteenth Legislature."

Senator Terrell offered the following amendment: "That the said committee shall consist of one from the Senate and two members from the House, and that they enter upon that duty when the Committees on Penitentiaries, now absent, shall have returned."

Accepted by Senator Pfeuffer and, as amended, adopted.

Senator Chesley offered the following amendment: Amend by adding, "and that said committee be instructed to inquire into the operations of the military features of Bryan College," which, after some discussion and explanation, was withdrawn by Senator Chesley, and the House concurrent resolution, as amended, was adopted.

Senator Gibbs, by consent, offered a joint resolution, amending section 3, of the Constitution, abolishing the secret sessions of the Senate.

Referred to the Committee on Constitutional Amendments.

House bill No. 8, entitled "An act to restore the jurisdiction of the county courts of the counties of Parker, Uvalde and Red River, and to repeal all laws in conflict therewith," was taken up and read second time.

Senator Collins, by request of the Representative from Starr county, offered the following amendments: Amend the caption by inserting after the words "Red River," "and Starr."

Amend line 11, of printed bill by adding after the word "Parker," "and Starr."

Amend line 1, printed bill, page 2, by inserting after the words "Red River," the words "and Starr."

Amend line 6, page 2, by inserting after the words "Red River," "and Starr."

Amend by striking out the word "and" wherever it occurs in the bill between Parker and Red River.

Amend line 2, page 1, printed bill, by inserting after the word "Parker," "and Starr."

Adopted.

Senator Gooch offered the following amendment: Amend the caption and the bill so as to restore criminal jurisdiction to the county court of Henderson county.

Adopted, and bill passed to the third reading.

House bill No. 14, entitled "An act to amend article 1265 of chapter 8, title 29, of the Revised Civil Statutes, relating to verified answers in civil cases," was taken up and read second time.

Senator Peacock moved that Senate bill No. 105, entitled "An act to amend article 1265, sub-division 7, of the Revised Civil Statutes, be substituted for the pending House bill."

Withdrawn, and House bill passed to third reading.

Senator Stratton, by leave, presented a memorial of the citizens of Matagorda county, asking improvements, etc.,

on the lower Colorado river, and an appropriation therefor to prevent overflow.

Referred to Committee on Internal Improvements.

On motion of Senator Stratton, the Senate adjourned until 10 o'clock a. m. to-morrow.

## TWENTIETH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, February 1, 1883. }

Senate met pursuant to adjournment. Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Stratton the reading of the journal of yesterday was dispensed with and same adopted.

Senator Davis, chairman of Committee on Education, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 146, entitled "An act to provide for the payment to the university fund of the bonds amounting to \$134,472.25, executed by the State of Texas, January 1, 1867, in favor of said university fund, under an act of the Eleventh Legislature, approved the twelfth day of November, 1866, entitled 'an act for the purpose of carrying into effect an ordinance of the late convention, securing the common school and university fund, and for other purposes,' and the interest on said bonds," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table, for the reason that the object sought to be accomplished by this bill will be fully obtained by Senate bill No. 14, heretofore reported favorably by this committee.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred House bill No. 13, entitled "An act concerning public lands heretofore surveyed by railroads or corporations, or any company or person, for the benefit of public free schools of this State," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 169, entitled "An act to authorize the Comptroller of Public Accounts to audit all unsettled claims for pay due teachers of public free schools prior to the first day of July, 1873, together with interest thereon, as provided by an act approved April 21, 1874, and an act approved July 6, 1876, and provide for the payment of the same," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

DAVIS, Chairman.

Bill read first time.

Senator Farrar, chairman of Committee on State Asylums, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Asylums, to whom was referred Senate bill No. 193, appropriating seventy-five thousand dollars for the improvement and repair of the Lunatic Asylum, and the enlargement of the asylum grounds, have had the same under consideration, and instruct me to report the bill back to the Senate with the recommendation that it do pass.

FARRAR, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Asylums, to whom was referred "A petition of the citizens of Mineral Wells, Palo Pinto county, asking for the location of a branch of the Lunatic Asylum at Mineral Wells," have had the same under consideration, and instruct me to report the same back and recommend that the petition should not be granted, for the reason that it would not be advisable to locate the branch asylum at any given point by an act of the Legislature.

Your committee are of the opinion that the site for a branch asylum, if established, should be selected by a competent and scientific commission appointed for that purpose, or in some other mode, and that the site should be selected with reference to many circumstances and conditions that cannot be known in advance.

FARRAR, Chairman.

Senator Matlock, for Committee on Constitutional Amendments, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 2, proposing amendments to sections 3, 4, 6 and 9, article 7, of the State Constitution, have had the same under consideration, and have prepared the accompanying joint resolution, amending sections 3, 4 and 6, article 7, of the Constitution, and instruct me to report the same back in lieu of the amendments offered by joint resolution No. 2 to sections 3, 4 and 6, article 7, and recommend that the committee substitute do pass. They further recommend that the amendments proposed to section 9, article 8, by joint resolution No. 2, lie on the table to be considered in connection with a substitute for the same section now under consideration of the committee.

All of which is respectfully submitted.

MATLOCK, for Committee.

Resolution read first time.

Senator Perry, chairman of Committee on Roads, Bridges and Ferries, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 28, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 139, have had the same under consideration, and a majority of said committee instruct me to report it back with the recommendation that it do pass.

PERRY, Chairman.

Bill read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 120, being "An act to provide for the payment of the expenses of attached witnesses in felony cases."

Also, Senate bill No. 190, being "An act making a special appropriation for the support of the Supreme Court at Galveston," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Davis offered the following resolution:

*Resolved*, That the Senator from Collin be added to the Committee on Contingent Expenses and to the Committee on Claims and Accounts.

Resolution adopted.

Senator Pfeuffer introduced a bill entitled "An act making an appropriation for extraordinary expenses recommended by the departments of the government for the improvement, preservation and extension of public properties, and more effective administration of the government."

Referred to Committee on Finance.

Also, a bill entitled "An act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the government from March 1, 1882, to February 28, 1883, being for payment of claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered."

Referred to Committee on Finance.

Also, a bill entitled "An act making an appropriation for the ordinary and regular general expenses of the State government in support thereof for the two years beginning March 1, 1883, and ending February 28, 1885."

Referred to Committee on Finance.

On motion of Senator Pfeuffer, 100 copies of the three bills just read were ordered printed.

Senator Davis introduced a bill entitled "An act to prevent the pendency of more than one criminal prosecution for the same offense."

Referred to Judiciary Committee No. 2.

Senator Perry introduced a bill entitled "An act to amend article 4843, and to repeal article 4840 of the Revised Statutes of the State of Texas."

Referred to Judiciary Committee No. 1.

House bill No. 9, "An act to amend section 11, of 'an act to protect the wool growing interest of the State of Texas,' approved March 25, 1879," was taken up in regular order, read third time and passed by the following vote:

YEAS—26.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Perry,
Collins,	Harris,	Pfeuffer,
Davis,	Johnson of Collin,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	King,	Stratton,
Fleming,	Kleberg,	Terrell,
Fowler,	Martin,	Traylor.
Getzendaner,	Matlock,	

NAYS—none.

On motion of Senator Davis, the regular order of business was suspended to take up Senate bill No. 14, "An act to provide for the payment of certain debts of the State out of that half of the proceeds of sales of public lands not belonging to the common school fund."

Bill taken up and read second time, with committee substitute.

On motion of Senator Terrell, the substitute was adopted.

Senator Terrell offered the following amendment:

Add to section 6, as follows: "The importance of this bill and the amount of business now before the Legislature creates an emergency justifying the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended."

Adopted, and on motion of Senator Davis, bill ordered engrossed.

On motion of Senator Davis, rules were suspended to place bill on its third reading by the following vote:

YEAS—26.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Collins,	Johnson of Collin,	Pfeuffer,
Davis,	Jones,	Randolph,
Evans,	King,	Shannon,
Farrar,	Kleberg,	Stratton,
Fleming,	Martin,	Terrell,
Fowler,	Matlock,	Traylor.
Gibbs,	Patton,	

NAYS—1

Getzendaner.

Bill read third time and passed by the following vote:

YEAS—26.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Collins,	Johnson of Collin,	Pfeuffer,
Davis,	Jones,	Randolph,
Evans,	King,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.
Gibbs,	Patton,	

NAYS—none.

Senator Buchanan, for Committee on Education, by unanimous consent, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Educational Affairs, to whom was referred Senate bill No. 46, entitled "An act to authorize and require the county commissioners' court of the several counties in this State to provide for the payment of all claims due teachers of public free schools audited as valid claims, under acts of the Legislature of Texas approved August 7, 1876, or April 22, A. D. 1879," have considered the same, and instruct me to report the same back to the Senate with the accompanying substitute therefor, and to recommend that the substitute do pass.

BUCHANAN, for Committee.

Bills read first time.

On motion of Senator Patton, Senator Farrar was excused for the day, on account of sickness.

On motion of Senator Patton the regular order of business was suspended to take up Senate bill 108, "An act to amend title 11, chapter 3, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879."

Bill taken up and read second time.

Senator Harris offered the following amendment:

Strike out all after the word "collection" in line 8, printed bill, down to and including the word "statutes," in line 10.

Lost by the following vote:

YEAS—8.

Davis,	Getzendaner,	Johnson of Collin.
Evans,	Gibbs,	King.
Fleming,	Harris,	

NAYS—18.

Buchanan,	Kleberg,	Pfeuffer,
Chesley,	Martin,	Randolph,
Collins,	Matlock,	Shannon,
Fowler,	Patton,	Stratton,
Gooch,	Peacock,	Terrell,
Jones,	Perry,	Traylor.

Senator Davis offered the following amendment:

"But in all suits to recover money in which the whole State is interested, brought in the district court of Travis county by the Attorney-General, the county attorney shall receive no fees or commission."

Senator Patton offered the following amendment to Senator Davis' amendment:

After "suits" in amendment, insert "hereafter brought."

Accepted.

Senator Terrell offered the following substitute for pending amendment:

Adopted.

Senator Traylor offered the following substitute for article 257a, or body of the bill, and amendments:

Article 257a. The district or county attorney shall be entitled to ten per cent commissions on the first thousand dollars collected by him for the State or county from any individual, company or corporation, and five per cent on all sums over one thousand dollars, to be retained out of the money when collected, and he shall also be entitled to retain the same commission on all collections made for the State or for any county since the adoption of the Revised Statutes. This section shall also apply to money realized for the State under the escheat law.

Senator Buchanan moved the previous question on the bill and substitute.

Motion seconded and main question ordered.

Senator Traylor's substitute was adopted by the following vote:

YEAS—13.

Chesley,	Getzendaner,	Perry,
Collins,	Harris,	Pfeuffer,
Davis,	Johnson of Collin,	Randolph,
Evans,	Martin,	Traylor.
Fleming,		

NAYS—12.

Buchanan,	King,	Peacock,
Fowler,	Kleberg,	Shannon,
Gooch,	Matlock,	Stratton,
Jones,	Patton,	Terrell.

Bill ordered engrossed.

Senator Davis moved to reconsider the vote by which the bill was ordered engrossed.

Adopted, and vote reconsidered.

Senator Peacock offered the following amendment:

Amend by adding after the words "collected by him," the words "in any one case."

Senator Chesley offered to amend by striking out "or corporations."

Senator Collins moved to reconsider the vote by which Senator Traylor's substitute was adopted.

Motion carried and vote reconsidered.

Senator Davis moved a call of the Senate.

Motion seconded.

Roll called. Senate full.

Motion to reconsider adopted by the following vote:

YEAS—14.

Buchanan,	Kleberg,	Pfeuffer,
Collins,	Martin,	Shannon,
Fowler,	Matlock,	Stratton,
Gooch,	Patton,	Terrell.
Jones,	Peacock,	

NAYS—12.

Chesley,	Getzendaner,	King,
Davis,	Gibbs,	Perry,
Evans,	Harris,	Randolph,
Fleming,	Johnson of Collin,	Traylor.

Senator Terrell offered the following amendment: Strike out "since the adoption of the Revised Statutes," and insert "provided, that ten per cent shall be allowed on all such sums heretofore collected since the adoption of the Revised Statutes."

Senator Terrell's amendment was adopted by the following vote:

YEAS—15.

Buchanan,	Jones,	Peacock,
Chesley,	Kleberg,	Pfeuffer,
Collins,	Martin,	Shannon,
Fowler,	Matlock,	Stratton,
Gooch,	Patton,	Terrell.

NAYS—11.

Davis,	Gibbs,	Perry,
Evans,	Harris,	Randolph,
Fleming,	Johnson of Collin,	Traylor.
Getzendaner,	King,	

Senator Chesley's amendment was adopted.

Senator Peacock's amendment was adopted by the following vote:

YEAS—15.

Buchanan,	Kleberg,	Pfeuffer,
Chesley,	Martin,	Randolph,
Fowler,	Matlock,	Stratton,
Getzendaner,	Patton,	Terrell,
Gooch,	Peacock,	Traylor.

NAYS—10.

Davis,	Harris,	King,
Evans,	Johnson of Collin,	Perry,
Fleming,	Jones,	Shannon.
Gibbs,		

Bill ordered engrossed by the following vote:

YEAS—16.

Buchanan,	Kleberg,	Pfeuffer,
Chesley,	Martin,	Randolph,
Collins,	Matlock,	Shannon,
Fowler,	Patton,	Stratton,
Gooch,	Peacock,	Terrell.
Jones,		

## NAYS—10.

Davis,  
Evans,  
Fleming,  
Getzendaner,

Gibbs,  
Harris,  
Johnson of Collin,

King,  
Perry,  
Traylor.

Senator Gooch, by leave, introduced a bill entitled "An act relating to teachers' certificates of qualification."

Referred to Committee on Education.

Senator Gooch, chairman of Judiciary Committee No. 2, by unanimous consent, submitted the following report:

COMMITTEE ROOM.  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 163, entitled "An act to amend chapter 10, of title 17, of the Revised Civil Statutes, by adding thereto another article, to be styled article 503a, relating to the extension of the boundaries of cities and towns incorporated by general law," have had the same under consideration, and a majority instruct me to report the same back, with the recommendation that it do pass.

## REASONS.

The State Constitution provides that cities and towns having a population of ten thousand inhabitants or less, may be incorporated alone by general law. (Sec. 4, art. 11, Cons.) Taxation in such towns is limited to twenty-five cents on the one hundred dollars, except for public buildings and debts existing before 1876. (Cons., sec. 4, art. 9, and sec. 9, art. 8.)

In the Revised Statutes a general charter law has been adopted in pursuance to the requirements and limitations of the Constitution. (Rev. Stat., pp. 58, et seq.)

Article 503 of said Revised Statutes provides for the extension of boundaries of such cities and towns, only by a majority vote of the qualified voters of the adjoining territory.

This bill proposes to amend the law upon this subject so as not to interfere with said article 503, except in this: Where the boundaries do not contain an area equal to one and a half miles square, the boundaries may be extended to that maximum limit, "by a majority vote of the combined qualified voters voting of the city or town and territory proposed to be included by the extension."

The objection to this mode of extension, generally offered, is that thereby agricultural lands may be included, and that the taxation upon it will be disproportionate to the benefits received. This argument is met by the fact, that under our Constitution, the rate of taxation for ordinary purposes cannot exceed twenty-five cents on the \$100, and the further fact that by this bill the boundaries are limited to an area equal to one and a half miles square.

The reasons offered in favor of the passage of the bill are chiefly these:

The purpose of organization of a municipal corporation is the accomplishment of public good, by remitting to the people aggregated within a small territory, the power of local self-government. Their local regulations and ordinances of greatest importance relate to sanitary regulations, having in view the preservation of the public health; to police regulations having in view the preservation of law and order; improving streets, sidewalks and drainage, for the convenience of the people and commerce, and for the encouragement of an efficient system of public free schools by local taxation. The whole community should have a voice in deciding where the boundaries of their local government should extend, so as to most effectually preserve public order, public health and encourage public education. This rule prevails in the original organization of city and town corporations; and no good reason appears why this privilege should be withdrawn afterwards. It is growing to be a common custom to locate disreputable houses immediately beyond the corporate boundaries, to avoid the regulation and police of the city. In some sections, in fact, in nearly every section, capitalists, in making investments, in railroad shops, and manufactories, oil mills, foundries, mills, etc., select locations adjoining, but outside of the boundaries of the corporation lines. They and their employees, who may live outside, have the benefit of the sanitary regulations, streets, sidewalks, markets, and other conveniences of local regulation within the city or town, yet bear no part of the burdens. More than this; a large proportion of the employees of such capitalists rent and reside inside of the corporate lines, and thereby secure the benefits of free graded schools, supported mainly by local and special taxation on the property within the corporate lines. Sometimes soap factories, tanneries, slaughter pens, and industries of this class are conducted in a manner injurious to the health and comfort of those living near the corporate boundaries.

These capitalists are generally able to influence their employees, and those dependent in any degree on them for employment or accommodation, living within the territory proposed to be added to a

city or town, to vote against such proposition, and thereby relieve themselves from taxation, and also prevent local regulation of their affairs in the public interest.

These instances are given to show that circumstances may exist, and often do exist, which render it proper to permit the whole community to pass upon the propriety of extending the boundaries of a city or town. It seems, upon principle, that it is always proper to do so; but certainly no reasonable objection can be presented, when this right is confined to small cities and towns, acting under the general charter law, where taxation is limited to a low rate, and the maximum size of a town to be enlarged by this character of extension is fixed at an area not greater than that of one and a half miles square.

Gooch, Chairman.

Bill read first time.

On motion of Senator Gooch, the reading of the report was suspended, it being favorably reported on, and, by a rule of the Senate, ordered printed.

A message was received from the House announcing that the House concurs in Senate amendments 1 and 3 to resolution providing for the appointment of committee to visit the State schools at Bryan, Huntsville and Prairie View, and respectfully dissents from the second Senate amendment to said resolution.

Also, that the House has passed House bill No. 22, "An act to authorize and require the county commissioners' courts of the several counties in the State to provide for the payment of all claims due teachers of public free schools audited as valid claims under acts of the Legislature of Texas, approved August 7, 1876, or April 22, 1879."

The following message was received from the Governor and read, with accompanying communication of Hon. F. R. Lubbock, State Treasurer.

EXECUTIVE OFFICE,  
AUSTIN, February 1, 1883. }

To the Senate and House of Representatives:

GENTLEMEN:—In view of transpiring events, I deem it proper to call your attention to the accompanying communication from Hon. F. R. Lubbock, and to recommend that a joint committee of the two houses be raised to examine into the condition of the treasury.

Very respectfully,

JOHN IRELAND, Governor.

TREASURY DEPARTMENT,  
AUSTIN, February 1, 1882.

Hon. John Ireland, Governor:

SIR:—In view of the many defalcations of State, county and other treasurers, I would respectfully suggest the propriety of a request from you that the Legislature now in session appoint a joint committee to examine the books of this department and count the money in the vaults, that the people of Texas may be assured of the security of their money.

Very respectfully yours,

F. R. LUBBOCK, Treasurer.

On motion of Senator Gooch, the message just read was referred to Committee on Treasurer's and Comptroller's Offices.

On motion of Senator Matlock, Senator Gooch was added to Committee on Public Lands.

A message was received from the House, announcing the passage by that body of House bill No. 20, "An act to amend article 4411, of the Revised Civil Statutes of the State of Texas."

On motion of Senator Patton, Sergeant-at-Arms was excused to-day and to-morrow, on account of sickness.

Senator Chesley, by unanimous consent, introduced a bill entitled "An act to amend article 684, of chapter 3, title 17, of the Penal Code."

Referred to Judiciary Committee No. 2.

On motion of Senator Pfeuffer, House joint resolution No. 32, making an appropriation for repairing and furnishing the Governor's Mansion, was taken up out of its regular order, read second time and passed to third reading.

On motion of Senator Pfeuffer, rules were suspended to place bill on its third reading by the following vote:

## YEAS—21.

Buchanan,  
Chesley,  
Collins,  
Evans,  
Fleming,  
Fowler,  
Gibbs,

Gooch,  
Harris,  
Jones,  
King,  
Kleberg,  
Martin,  
Matlock,

Patton,  
Peacock,  
Pfeuffer,  
Randolph,  
Stratton,  
Terrell,  
Traylor.

## NAYS—none.

Bill read third time and passed by the following vote:

## YEAS—22.

Buchanan,  
Chesley,  
Collins,  
Evans,  
Fleming,  
Fowler,  
Gooch,  
Harris,

Johnson of Collin,  
Jones,  
King,  
Kleberg,  
Martin,  
Matlock,  
Patton,

Peacock,  
Perry,  
Pfeuffer,  
Randolph,  
Stratton,  
Terrell,  
Traylor.

Senator Fleming moved that the regular order of business be suspended to take up House joint resolution authorizing the appointment of a committee to visit the penitentiaries.

Adopted, and resolution taken up.

Senator Fleming moved that the Senate recede from the second amendment to said bill.

Senator Gooch moved to substitute with the motion that the Senate adhere to its amendment and ask for a committee of conference.

Accepted, and motion adopted.

The President appointed on said committee Senators Gooch, Fleming and Jones.

On motion of Senator Matlock, Senate adjourned till tomorrow morning at 10 o'clock.

## TWENTY-FIRST DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, February 2, 1883. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

Upon motion of Senator Harris, the reading of the journals was dispensed with.

Senator Perry, chairman of Committee on Roads and Bridges, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 2, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 3, entitled "An act making certain reservations for public road purposes, and punishing the enclosure of same," have had the same under consideration, and have carefully examined the same, and a majority of said committee instruct me to report the same back, and recommend that it do not pass, for the reason that in their opinion, the same is impracticable and unconstitutional.

PERRY, Chairman.

Bill read first time.

Senator Pfeuffer, chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bills Nos. 129, 130, and 132, entitled respectively, No. 129, "An act to add article 106a to the Penal Code;" No. 130, "An act defining the duties and liabilities of sheriffs who are tax collectors, and tax collectors in cases where they may be re-elected to the same office; and providing for the removal from office in certain cases;" No. 132, "An act to amend article 110, Penal Code, State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that all of said bills do pass.

The subject matter of bill No. 130 is the leading legislation, and the subjects in bills Nos. 129 and 132 are supplementary to said bill

No. 130, and necessary to perfect the system desired by said bill No. 130.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Bills read first time.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 161, entitled "An act to amend article 3803 of the Revised Statutes, relating to the withdrawal of title papers and copies from the General Land Office for record and other purposes," have carefully examined the same, and instruct me to report the same back with the recommendation that one hundred copies of the same be printed for the use of committee and Senate.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 118, entitled "An act to require persons to re record certain deeds within a certain time," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the following reasons:

Because in the judgment of your committee the action the performance of which is required of owners of real property by the terms of the bill, may be safely left to that vigilance and care to which self-interest and self-protection will naturally prompt them.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 62, entitled "An act to authorize courts to dismiss original writs of attachment when the allegations in the affidavits therefor are not proven on the trial," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the following reason:

Because in the judgment of your committee the law pertaining to attachment proceedings, as it now stands, is sufficient to give to the defendant in attachment proceedings all the protection contemplated and provided by this bill.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 43, entitled an act to amend Article 2231, chapter 2, title 38, of Revised Statutes of the State of Texas, providing for taking the deposition of witnesses," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the following reasons: Because your committee are informed that the Postmaster-General of the United States has officially instructed postmasters throughout the States to comply with the requirements and provisions of the statutes concerning the receiving and receipting for depositions forwarded by mail, and that such instructions are now generally, if not invariably, observed; which fact obviates the necessity for the legislation contemplated by this bill.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 1, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 202, entitled "An act to amend article 4843, and to repeal article 4840, of the Revised Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the following reasons: The object of this bill is to change the law concerning judgment to be entered in cases of trial of the right of property, and your committee are of the opinion that no such legislation as is contemplated